IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH: AT HYDERABAD.

WEDNESDAY, THE THIRTIETH DAY OF MARCH, TWO THOUSAND AND FIVE

PRESENT

HON'BLE SRI DEVINDER GUPTA, CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

W.A.No.724 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the order dated 29-12-2004 in W.P.No.24652 of 2004 on the file of the High Court)

Between:

G.S.L.Educational Society, Rajahmundry, E.G.District rep by its Secretary and Correspondent, Dr.Ganni Bhaskar Rao S/o Satyanarayana Murthy.

Appellant

And

1. The District Collector, East Godavari District at Kakinada.
2. The Sub-Collector, Rajahmundry, E.G. District.
3. The Mandal Revenue Officer, Rajanagaram Mandal, E.G. District.

Respondents.

Counsel for the Appellant: Mr.Ch.Dhanamjaya

Counsel for the respondents: The Govt. Pleader for Revenue

The court at the admission stage made the following:

ORAL ORDER: (per the Hon'ble the Chief Justice)

Writ petition was dismissed by learned single Judge without calling upon the respondents to file affidavit in reply on the ground that whether the assignment or transfer can be made on market value or not is an administrative matter purely within the purview of the administrative authorities and no writ will lie. Writ Petition could not have been dismissed on that ground inasmuch as the petitioner-appellant was seeking a direction against the respondents to take an appropriate decision on the proposal/report alleged to have been submitted by the third respondent for transfer of land on market value. Whether or not such a report was submitted and what were

the reasons for not taking a decision thereon were not examined by the learned single Judge. Without examining these points and without taking the affidavit in reply on record, learned single Judge dismissed the writ petition.

Instead of dismissing the writ petition, learned single Judge ought to have taken the version of the respondents on record. In any case, if, on the petitioner's representation, some report has been submitted, there is no reason why the respondents should not take a decision thereon.

Accordingly, we will allow the appeal, set aside the impugned order and allow the writ petition with direction to the respondents to take appropriate decision on the proposal/report alleged to have been submitted by the third respondent within a period of two months from the date of receipt of the writ order.

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DEVINDER GUPTA, CJ

30-3-2005

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B.SESHASAYANA REDDY, J

Tvr

To

1. The District Collector, East Godavari District at Kakinada.
2. The Sub-Collector, Rajahmundry, E.G. District.
3. The Mandal Revenue Officer, Rajanagaram Mandal, E.G. District.
4. 2 CCs to the Govt. Pleader for Revenue, High Court Buildings, Hyderabad (OUT).
5. 2 CD copies.